

## REMARKS

Applicants have previously canceled claim 21 and amend claims 1, 4, 20, 23, and 28 such that claims 1-20 and 22-28 are pending in this application. Applicants respectfully request allowance of all the pending claims.

Applicants appreciate the Examiner's indication that claims 9-19 are allowed.

### **Claim Rejections – 35 U.S.C. §112, second paragraph**

The Examiner rejects claims 20 and 22-28 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

The Examiner rejects claim 20 as being indefinite because the loader arm is not positively claimed, and that the term "positioned" in line 8 of claim 20 should be replaced with the term "positionable." Applicants have amended claim 20 to replace the term "positioned" with the term "positionable" in accordance with the suggestion by the Examiner in the Office action.

The Examiner also rejects claims 23, 26, and 28 as being indefinite because the subject matter of these claims contradict the subject matter of claim 20. Specifically, the Examiner states that claims 23, 26, and 28 are directed to one species (Fig. 10), and that claim 20 is directed to another species (Fig. 3).

Independent claim 20 recites, among other things, a solid link mechanism that is operably pivotally connected to a support at a first end proximate to a forward end of the support, and that is further adaptable to be pivotally mounted onto a portion of a loader frame at a second end.

Applicants respectfully argue that claim 20 is generic with regard to the species indicated by the Examiner. Claim 20 recites that the second end of the solid link mechanism is adaptable to be pivotally mounted onto a portion of the loader frame. As illustrated in Fig. 3, the loader frame 12 includes a support bracket 57 that supports a link 58 via a pivot 57A. *See page 9, lines 13-18.* As illustrated in Fig. 10, the loader frame 12 is attached to the lift arm assembly 24 that supports an attachment plate 70, and a pair of forward links 75 are pivotally mounted to the upper side of the attachment plate 70. *See page 12, lines 16-29, and page 13, lines 1-4.* Thus, Figs. 3 and 10 illustrate that a second end of the solid link mechanism is adaptable to be pivotally mounted onto a portion of the loader frame. With regard to Fig. 3, the solid link mechanism is adaptable to be pivotally attached to the loader frame via the support bracket. With regard to Fig. 10, the solid link mechanism is adaptable to be pivotally

attached to the loader frame via the attachment plate that is coupled to the loader arms, which in turn attach to the loader frame.

Applicants respectfully disagree with the Examiner's rejection of claims 23, 26, and 28, which depend from claim 20, as being indefinite. However, Applicants have amended claims 23 and 28 in order to expedite prosecution of Applicants' pending Application.

Claims 23 and 28 depend from independent claim 20. Applicants have amended claim 23 to clarify that the second end of the solid link mechanism is connectable to the portion of the loader frame via a tilting attachment plate located at forward ends of the loader arm. Applicants have amended claim 28 to clarify that the work attachment further includes an attachment plate that is coupled to the loader arm, and that the second end of the solid link mechanism is adaptable to be pivotally mounted onto the portion of the loader frame via the attachment plate. With regard to claims 23 and 28, the second end of the solid link mechanism is adaptable to be pivotally mounted onto the portion of the loader frame via the attachment plate. As such, Applicants discern no such contradiction between the subject matter of claim 20 and the subject matter of claims 23, 26, and 28.

Accordingly, Applicants respectfully request that the rejections under 35 U.S.C. §112, second paragraph be withdrawn.

**Claim Rejections – 35 U.S.C. §102(b)**

The Examiner rejects claims 1-3, 5, and 8 under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 2,624,481 ("Richey").

The Examiner rejects claim 4 under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 4,725,189 ("Langenfeld et al.").

**Independent Claim 1**

Amended independent claim 1 recites, among other things, an attachment for a small loader that has a frame and lift arms pivotally mounted to the loader frame. The lift arms are coupled to at least one actuator, and include raisable and lowerable outer ends. The attachment includes an attachment support, a first pivot for mounting the attachment support on at least portions of the loader lift arms to move therewith, and at least one solid link. The solid link is attached to the attachment support at a first end proximate to a forward end of the attachment support, and is attachable to other portions of the loader frame at a second end that is proximate to a forward end of the attachment support. The second end of the solid link is also proximate to a forward end of the loader frame. Actuation of the actuator

causes the outer ends of the lift arms to raise or lower causing relative movement between the lift arms and the other portions of the loader frame to cause tilting of the attachment support about the first pivot to tilt the attachment support forwardly.

Richey discloses a tractor that includes a rear end 10, a rear axle casing 11, rear wheels 12, and a frame construction 20. The frame 20 is supported in a generally upright position at the rear end of and rigidly secured to the tractor. A boom 26 is attached to the frame 20 for vertical rotational movement. The tractor also includes a linkage connection that powers the boom 26, and lifts a rear end loader container 28 that is attached to the frame construction 20. A lower end of the container 28 is pivotally attached to an end of the boom 26, and an upper end of the container 28 is pivotally connected to a trip dump linkage that has a link 35 and two short links 36. The two short links 36 are pivotally attached to a top end of the frame 20.

Richey does not teach or suggest, among other things, an attachment that includes a link that is attachable to other portions of a loader frame at a second end that is proximate to a forward end of the loader frame. Rather, Richey discloses a rear end loader with a container that is attached to a frame construction rigidly secured to a rear end of a tractor. The link disclosed in Richey is attached to the frame construction at the rear end of the tractor, and is attached to the top of the container that is behind the tractor. In the Office action to which this Amendment responds, the Examiner states, and Applicants agree, that the wheels in Richey are rear wheels. However, Applicants respectfully point out that the frame construction in Richey, to which the link is attached, is not the frame of the tractor. The frame construction is different from the frame of the tractor, and is not located proximate to or adjacent a forward end of the tractor. As such, the second end of the link in Richey, which is attached to the frame construction, is not proximate to a forward end of the tractor.

Richey also does not teach or suggest an attachment that includes a link that is attached to an attachment support at a first end proximate to a forward end of the attachment support and attachable to other portions of a loader frame at a second end that is proximate to a forward end of the attachment support. Rather, Richey discloses a rear end loader with a container that is attached to a rear end of a tractor via a link. The link disclosed in Richey is attached to the frame construction at a rear portion of the tractor, and is attached to the top of the container that is behind the tractor. Thus, the link in Richey includes a first end that is attached to the container, and a second end that is attached to the frame construction adjacent a rear end of the tractor. Even if the container in Richey could be considered an attachment support, a contention with which Applicants disagree, the second end of the link

is attached to a frame construction that is rigidly secured to the tractor, and is not attachable to other portions of the tractor frame that are proximate to a forward end of the container.

In view of the foregoing, Richey does not teach or suggest the subject matter defined by independent claim 1. Accordingly, independent claim 1 is allowable. Claims 2, 3, and 5-8 depend from allowable claim 1 and are allowable for these and other reasons.

#### Independent Claim 4

Amended independent claim 4 recites an attachment for a small loader that has a frame and lift arms pivotally mounted to the frame. The attachment includes an attachment support, a first pivot for mounting the attachment support on at least portions of the lift arms, at least one link, and a cylinder. The at least one link is attached to the attachment support proximate to a forward end of the attachment support, and is attachable to other portions of the loader frame at second pivots that are located proximate to a forward end of the loader frame. The cylinder acts between the at least one link and the lift arms for causing pivotal movement of the attachment support about the first pivot to the lift arm.

Langenfeld discloses a tractor 10 that includes a three-point hitch assembly 12 coupled to a rearward end of the tractor 10. The hitch assembly 12 includes a pair of lower link arms 14, 16 pivotally attached to the tractor 10, and an upper link arm 18 also pivotally attached to the tractor 10. The tractor 10 also includes a loader bucket assembly 22 coupled to the lower link arms 14, 16, and the upper link arm 18 via cylinders 52, 54.

Langenfeld does not teach or suggest, among other things, an attachment for a small loader that has a frame, and at least one link that is attached to the attachment support proximate to a forward end of the attachment support and attachable to other portions of a loader frame at second pivots located proximate to a forward end of the loader frame. The link arms disclosed in Langenfeld attach to a hitch assembly that is positioned on a rear end of the tractor. The link arms do not attach to the tractor proximate to a forward end of the tractor, and there is no teaching or suggestion in Langenfeld of a link that is attached to the tractor proximate to a forward end of the tractor.

In view of the foregoing, Langenfeld does not teach or suggest the subject matter of independent claim 4. Accordingly, claim 4 is allowable for these and other reasons.

#### Claim Rejections – 35 U.S.C. §103(a)

The Examiner rejects claims 6 and 7 under 35 U.S.C. §103(a) as being unpatentable over Richey in view of United States Patent No. 5,813,152 ("Weigh").

Claims 6 and 7 depend from independent claim 1. As discussed above with regard to claim 1, Richey does not teach or suggest all of the limitations of claim 1. Weight fails to cure the deficiencies of Richey. Weight discloses a snow blower 55 that includes a housing 15 and an auger member 52 rotatably mounted to an auger shaft 25 inside the housing 15. The snow blower 55 also includes a chisel attachment that has an oscillating blade member 20 to cut through snow.

Weight pertains to a rigid snow blower attachment, and is non-analogous to the field of Applicants' invention and to the field to which Richey pertains. In addition, Weight does not teach or suggest all of the limitations of claim 1. Specifically, Weight does not teach or suggest, among other things, an attachment that includes a link that is attached to an attachment support at a first end proximate to a forward end of the support and that is attachable to other portions of a loader frame at a second end proximate to a forward end of the attachment support, much less a second end of a link that is proximate to a forward end of a loader frame. Therefore, even if there is a motivation to combine Richey and Weight, a contention with which Applicants disagree, the combination of these references fails to teach or suggest all of the limitations of claim 1.

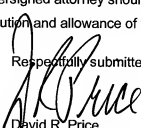
In view of the foregoing, Richey and Weight, alone or in combination, do not teach or suggest the subject matter defined by independent claim 1. As discussed above, independent claim 1 is allowable. Claims 6 and 7 depend from allowable independent claim 1 and are allowable for the same and other reasons.

### **Conclusion**

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the rejections of claims 1-8, 20, and 22-28, and allowance of pending claims 1-20 and 22-28.

The Examiner is invited to contact the undersigned attorney should the Examiner determine that such action would facilitate the prosecution and allowance of the present application.

Respectfully submitted,



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